

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMIE LEE PETERSON,

Plaintiff,

v

HON. PAUL L. MALONEY
U.S. DISTRICT COURT JUDGE

FILE NO. 1:15-cv-00969

DAVID HEYMES, GREG SOMERS,
MARK URIBE, DAVID ISRAEL,
VILLAGE OF KALKASKA COUNTY OF
KALKASKA, UNNNAMED OFFICERS
OF THE MICHIGAN STATE POLICE, and
UNNAMED OFFICERS OF THE
KALKASKA POLICE
DEPARTMENT,

Defendants.

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**STIPULATION AND ORDER FOR STAY OF PROCEEDINGS DURING
INTERLOCUTORY IMMUNITY APPEAL**

NOW COME the parties herein, by and through their respective attorneys, hereby stipulate and agree to the following:

1. Plaintiff Jamie Lee Peterson seeks to recover damages from Defendants on multiple federal and state-law claims arising from these Defendants' supposed role in allegedly coercive interrogations and manipulation of evidence that Peterson believes caused him to be wrongly prosecuted and convicted of a sexual assault for which the conviction was later vacated.

2. Defendants sought dismissal under Fed. R. Civ. P. 8(a) and 12(b)(6) on grounds including "qualified immunity" against Peterson's federal claims and "governmental immunity" against Peterson's state-law claims.

3. This Court converted the Defendants' motion to one for summary judgment under Fed. R. Civ. P. 56.

4. By its opinion and order entered September 29, 2017, this Court denied the motion by Defendants.

5. Defendants have filed their Notices of Appeal to the Sixth Circuit challenging the denial of their "qualified immunity" and "governmental immunity."

6. The appeal by Defendants is now pending in the United States Court of Appeals for the Sixth Circuit.

7. Federal "qualified immunity" is "an entitlement not to stand trial or face other burdens of litigation," and the Supreme Court has recognized that the benefit of such immunity is "effectively lost" if governmental defendants are erroneously required to continue litigation of their case in the trial court. *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).

8. The parties hereby stipulate to a stay of the District Court case pending the outcome of the appeal in the Sixth Circuit.

APPROVED AS TO FORM:

/s/ Roshna Keen
Gayle Horn
Roshna Bala Keen
LOEVY & LOEVY
Attorneys for Plaintiff
Dated: November 2, 2017

/s/ Joseph Froehlich
Joseph T. Froehlich (P71887)
John G. Fedynsky (P65232)
MICH DEPT. OF ATTORNEY GENERAL
Attorneys for Defs. Somers and Uribe
Dated: November 6, 2017

/s/ Christopher Raiti
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Dated: November 2, 2017

/s/ Gregory R. Grant
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CUMMINGS, McCLOREY, DAVIS &
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Attorneys for Defs. ISRAEL and COUNTY
Dated: November 6, 2017

ORDER

Having read and filed the attached Stipulation, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the District Court case is hereby STAYED pending the outcome of the appeal in the Sixth Circuit.

Date: November 7, 2017

/s/ Paul L. Maloney
PAUL L. MALONEY, U.S. District Court Judge
Dated: